

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION**

**Plaintiff,**

**MARLEEN AND JOHN JANTZEN**

**Defendants.**

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**CIVIL ACTION NO. 1:10-cv-00740-  
JRN**

**JURY REQUESTED**

**DEFENDANTS  
MARLEEN AND JOHN JANTZEN MOTION TO EXTEND TIME**

TO THE HONORABLE JUDGE PRESIDING:

Marleen and John Jantzen, defendants, request an extension to respond to the Motion to Dismiss of the Plaintiff and would show the court as follows:

The undersigned counsel has been intensively engaged in assisting the Texas Attorney General's Office in the preparation for and jury trial of the State of Texas et. al. v AlphaPharma et. al. Cause No. D-1-GV-08-001566 In the 419<sup>th</sup> District Court of Travis County, Texas; Judge Lora Livingston, presiding (512-854-9309.) This Medicaid Drug Pricing Fraud cause of action involves many tens of thousands of documents produced over 15 years and damages and penalties in excess of a hundred million dollars. The undersigned has been engaged in the discovery and preparation of this litigation for well over a year prior to trial.

Prior to the filing of the Motion to Dismiss by the Plaintiff, opposing counsel was told of the schedule of this trial and the extensive preparation that will be needed. The undersigned has worked each and every day since the filing of the Motion including each holiday and weekend day.

The defendants do intend to file a response to the motion and ask the court to grant sufficient time to prepare and file such a pleading. Judge Livingston has ordered that this jury trial will be concluded with the charging of the jury on or before the close of business January 28, 2011. Until that time the undersigned will be fully involved in the prosecution of this jury trial. The undersigned moves this court to set a response deadline of February 4, 2011 for the

defendant's filing of a response to this motion.

Local Rule 4 (b) instructs counsel to agree to reasonable extensions of time when the client is not prejudiced by such an extension. Plaintiff at this point in the litigation can in no way be prejudiced by the extension sought herein. Nevertheless, counsel for Plaintiff has refused to agree to this motion.

CERTIFICATE OF CONFERENCE

The undersigned has conferred with opposing counsel who indicates that she is opposed to this motion.

PRAYER FOR RELIEF

Defendants Marleen and John Jantzen pray that the court set a response deadline of February 4, 2011.

Respectfully Submitted



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**ATTORNEY FOR DEFENDANTS  
MARLEEN AND JOHN JANTZEN**

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of January 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

**Jennifer D. Brandt  
Toby Galloway  
United States Securities and Exchange Commission  
Fort Worth Regional Office  
Burnett Plaza, Suite 1900  
801 Cherry Street, Suite 1900  
Fort Worth, TX 76102-6882**

Additionally the foregoing was sent via electronic mail to counsel above consistent with our agreement to include email in our service of papers in this matter.

  
Larry G. Black